

SUBMISSION OF DRAWINGS:

On Form PTO-948 which accompanied the Office Action, the draftsperson objected to the drawings. Formal drawings directed to overcoming the draftsperson's objections are filed concurrently herewith. Entry of these drawings is respectfully requested.

REMARKS

In the Office Action mailed June 24, 2003, the title and the abstract were objected to, claims 13-15 were rejected under 35 USC 112(2) as being indefinite, claims 13-15 were rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 4,853,871 (Pontoliano et al.), Holak et al. (J. Mol. Biol. (1989) 120, 635-648), Flaherty (Proc. Natl. Acad. Sci., USA, 88, 5041-5045), or Mosimann et al. (Proteins: Structure, Function, and Genetics, 14, 392-400, 1992), and claims 13-15 were rejected under the judicially-created doctrine of obviousness-type double patenting over claims 1 and 14 of U.S. Patent No. 6,453,064. The foregoing objections and rejections are respectfully traversed.

In addition, the drawings were objected to on Form PTO-948 which accompanied the Office Action.

In accordance with the foregoing, the title, the abstract, and claim 13 have been amended. Claims 1-12 and 16-23 have been cancelled. Claims 13-15 are pending and under consideration. Care has been exercised to avoid the introduction of new matter.

Formal drawings are submitted in the Letter Submitting Drawings filed concurrently herewith, directed to overcoming the objections to the drawings asserted on the subject Form PTO-948. Withdrawal of the objections to the drawings is respectfully requested.

The title and the abstract are amended, taking the Examiner's comments into consideration. Withdrawal of the objections to the title and the abstract are respectfully requested.

Claim 13 is amended, taking the Examiner's comments into consideration. Withdrawal of the rejections of claims 13-15 under 35 U.S.C. 112(2) is respectfully requested.

The rejections of claims 13-15 under 35 U.S.C. 102(b) are respectfully traversed.

The Examiner refers particularly to claims 1, 2, and 6 of Pantoliano. Claims 1, 2, and 6 of Pantoliano appear to focus on the geometric relationships between pairs of amino acid residues in a protein, the determination of centers-of-mass, and a root mean square error for fit of the amino acid pair with respect to disulfide bonds.

The Examiner refers to the abstract of Holak as comparing three-dimensional structures of 34 structures of trypsin inhibitor with a minimized mean structure and calculating a root mean square distance between the structures.

The Examiner refers to the abstract of Flaherty as discussing a comparison of muscle actin and heat shock cognate protein and demonstrating that calculating the root mean square distance between comparable spatial fragments shows close similarity of the structure of the proteins.

The Examiner refers to the abstract of Mosimann as discussing a comparison of molecular models of P-30 protein and pancreatic RNase, with the atom superposition of active site residues of the P-30 and an identically minimized RNase structure having a root mean square deviation of 0.52 Å.

In contrast to the foregoing references relied upon, the present invention calculates a "root mean square distance between the elements corresponding in the combination of correspondence" generated to satisfy "a restriction condition" between the elements belonging to the first point set of three-dimensional coordinate of elements and the elements belonging to each of the subsets of the second point set, "each of the subsets having a size that is determined by the size of the first point set", as recited in claim 13 of the present application (from which claims 14 and 15 depend).

In addition, the Examiner rejects claims 13-15 under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1, 14 of U.S. Patent No. 6,453,064 to Aikawa et al., which is assigned to Fujitsu Limited.

A Terminal Disclaimer is filed concurrently herewith to obviate these rejections. In addition, an Associate Power of Attorney is filed concurrently herewith.

Withdrawal of the foregoing rejections of claims 13-15 is respectfully requested.

There being no further outstanding objections or rejections, it is submitted that the application is in condition for allowance. An early action to that effect is courteously solicited.

Finally, if there are any formal matters remaining after this response, the Examiner is requested to telephone the undersigned to attend to these matters.

Serial No. 09/910,071

If there are any additional fees associated with filing of this Amendment, please charge the same to our Deposit Account No. 19-3935.

Respectfully submitted,

STAAS & HALSEY LLP

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By: 

Gene M. Garner II
Registration No. 34,172

1201 New York Avenue, NW, Suite 700
Washington, D.C. 20005
Telephone: (202) 434-1500
Facsimile: (202) 434-1501